

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MICHAEL J. CHRISTOFF,
derivatively on behalf of Galexa,
Inc., a Florida corporation,

Plaintiff,

v.

Case No.: 2:20-cv-546-SPC-NPM

PAUL INGLESE, NORTHSTAR
TECHNOLOGIES GROUP, INC.
and GALEXA, INC.,

Defendants.

ORDER¹

Before the Court is Defendant's Motion for Partial Judgment on the Pleadings ([Doc. 144](#)). Plaintiff responded ([Doc. 149](#)). Defendant seeks judgment on Count 1 of the Complaint ([Doc. 41](#)). But Plaintiff concedes Count 1 is moot. So Plaintiff separately seeks amendment—in part—to withdraw Count 1 ([Doc. 148](#)). Given the parties agreement on the issue, the Court denies this Motion without prejudice. If necessary, Defendant may renew this Motion after the Court rules on the proposed amendment. Should that occur, the

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Court expects the parties to confer on any renewed motion (despite [Local Rule 3.01\(g\)\(1\)](#)'s exception) since it would apparently be unopposed.

Accordingly, it is now

ORDERED:

Defendant's Motion for Partial Judgment on the Pleadings ([Doc. 144](#)) is **DENIED without prejudice.**

DONE and **ORDERED** in Fort Myers, Florida on May 2, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record